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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number

10/534,660

Filing Date

11/17/2003

First Named Inventor

Gunther Harth et al.

Art Unit

Examiner Name

Attorney Docket Number

51326-00005 NAT

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a



Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify
below):

1. Certificate of Express Mail;
2. Response to Missing Requirements 34 USC 371;
3. Copy of Notification of Missing Requirements; and
2. Postage paid postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Preston Gates & Ellis LLP

Signature

Michelle S. Glasky

Printed name

Michelle S. Glasky, Ph.D.

Date

11/28/05

Reg. No.

54,124

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Maria Nadal

Typed or printed name

Maria Nadal

Date

11/28/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 215.00

Complete if Known

| | |
|----------------------|----------------------|
| Application Number | 10/534,660 |
| Filing Date | 11/17/2003 |
| First Named Inventor | Gunther Harth et al. |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | 51326-00005 NAT |

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-3207 Deposit Account Name: Preston Gates Ellis LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES**Fee Description**

| | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| | | | |
|---------------------|---------------------|-----------------|----------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| 26 | 6 | 25 | 150 |

HP = highest number of total claims paid for, if greater than 20.

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| 3 | 3 | | |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| 100 | 0 | 0 | 125 | 0 |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 37 CFR 1.27 - Late Declaration

Fees Paid (\$)

65.00

SUBMITTED BY

| | | | |
|-------------------|---------------------------|--|------------------------|
| Signature | <i>Michelle S. Glasky</i> | Registration No. (Attorney/Agent) 54,124 | Telephone 949-253-0900 |
| Name (Print/Type) | Michelle S. Glasky, Ph.D. | Date | 11/28/05 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAILING CERTIFICATE
EV 728065031 US

I certify that on 11/29/05, which is the date I am signing this certificate, this correspondence and all identified attachments are being deposited with the United States Postal Service as express mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Maria Nadal

Maria Nadal

PATENT

Applicant: Gunther Harth
Serial No.: 10/534,660
Filed: 11/17/2003
International Appl: PCT/US03/36705
Title: Anti-Microbial Agents Derived from Methionine Sulfoximine Analogues
Examiner:
Group Art Unit:
Atty Docket No.: 51326-00005 NAT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 USC 371

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements of the National Application mailed on November 15, 2005, Applicant submits the following documents to be filed in the above referenced matter:

1. Executed Declaration in compliance with 37 CFR 1.66 or 37 CFR 1.68;
2. Late filing fee surcharge as set forth in 37 CFR 1.492(h) for \$65; and
3. Additional fees for 6 claims over 20 in the amount of \$150 to be charged to the USPTO Deposit Account.

12/05/2005 ATRAN1 00000093 503207 10534660

01 FC:2617 65.00 DA
02 FC:2615 150.00 DA

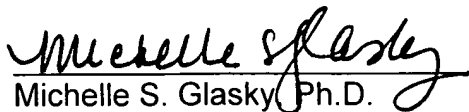
Application No.: 10/534,860
Group Art Unit:

PATENT
51326-00005 NAT

The Commissioner is authorized to charge \$215 or any fee which may be required in connection with this Notice or credit any overpayment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 11/28/05


Michelle S. Glasky, Ph.D.
Registration No. 54,124
Customer No. 45,200

PRESTON GATES & ELLIS, LLP
1900 Main Street, Suite 600
Irvine, California 92614-7319
Telephone: 949.253.0900
Facsimile: 949.253.0902



UNITED STATES PATENT AND TRADEMARK OFFICE

51326-00005 45(2)

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|---|--|-------------------------------------|
| U.S. APPLICATION NUMBER NO. 10/534,660 | FIRST NAMED APPLICANT Gunther Harth | ATTY. DOCKET NO. 51326-00005 NAT |
|---|--|-------------------------------------|

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|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/US03/36705

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|--------------------------------|-----------------------------|
| I.A. FILING DATE 11/17/2003 | PRIORITY DATE 11/15/2002 |
|--------------------------------|-----------------------------|

45200
PRESTON GATES & ELLIS LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319

CONFIRMATION NO. 6518

371 FORMALITIES LETTER



OC000000017444330

Date Mailed: 11/15/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/10/2005
- Copy of the International Search Report filed on 05/10/2005
- Oath or Declaration filed on 05/10/2005
- Small Entity Statement filed on 05/10/2005
- Request for Immediate Examination filed on 05/10/2005
- U.S. Basic National Fees filed on 05/10/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$125** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$190** for a Small Entity:

- **\$65** Surcharge.
- Total additional claim fee(s) for this application is **\$ 125**
 - **\$125** for 5 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/534,660 | PCT/US03/36705 | 51326-00005 NAT |